

BILL NO. 2937

ORDINANCE NO. \_\_\_\_\_

SPONSOR: \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FROM "C2" ARTERIAL COMMERCIAL DISTRICT TO "PDC" PLANNED DISTRICT-COMMERCIAL TO ALLOW A 6,000 SQUARE FOOT PHARMACY WITH A DRIVE THRU FOR LOT 1 OF EAST SIDE COUNTRY CLUB CENTER LOCATED AT THE SOUTHWEST CORNER OF WEST OSAGE STREET AND LAMAR PARKWAY. (P.Z. 2014.010 CVS)**

**WHEREAS**, an application has been filed with the Zoning Officer requesting a change in zoning from "C-2" Arterial Commercial to "PD-C" Planning Development-Commercial" for Lot 1 of East Side Country Club Center consisting of 1.42 acres located on the southwest corner of West Osage Street and Lamar Parkway to construct a 6,000 square foot pharmacy with a drive thru on Lot 1; and

**WHEREAS**, the applicant has requested a waiver from Section 400.130 setback requirements;

**WHEREAS**, pursuant to Section 400.160, the rezoning application has been reviewed by the Zoning Officer and various officers of the City with such findings presented to the Planning Commission; and

**WHEREAS**, the City held a public hearing before the Planning and Zoning Commission and the Board of Aldermen with published notices in conformance with Chapter 89 RSMo.; and

**WHEREAS**, the rezoning application, final development plan, landscape plan, architectural elevations, sign package and waiver request, accompanied by the Planning and Zoning Commission's recommendation of approval (by a vote of 8-0) has been submitted to the Board of Aldermen for their review and approval; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:**

**Section One.** The City of Pacific Zoning Ordinances and Official Zoning District Maps, made a part thereof, are hereby amended by changing the zoning district classification of "C2" Arterial Commercial to "PD-C" Planned District-Commercial with "C2" Arterial Commercial as the underlying zoning as set forth in this ordinance for the following described land area:

LOT 1 OF EAST SIDE COUNTRY CLUB CENTER PER P.B. P, PG. 746,  
PART OF THE S.W. ¼ OF THE N.W. ¼ OF SECTION 11, T-43 N., R.2E.

**Section Two** The zoning authority and approval embodied in this Ordinance is granted subject to compliance with the ordinance regulations of the City, including Article IV Land Use, the “C-2” Arterial Commercial District regulations, and all other applicable City of Pacific ordinances, rules, and regulations, the conditions of this Ordinance, the Final Development Plan attached as **Exhibit 1** and incorporated herein by reference (“**Final Development Plan**”) except as may be expressly modified herein, provided that the development and plan are also carried out in accordance with the recommendation forwarded to the Board of Aldermen by the Planning and Zoning Commission and the following conditions as set forth by the Board of Aldermen:

1. PERMITTED USES:

This Planned Unit Development – Planned Development Commercial District (PDC) shall authorize a pharmacy with a drive-thru and all other permitted and accessory uses of the underlying “C-2” Arterial Commercial District shall be authorized subject to the provisions of Section 400.160 “PUD” Planned Unit District Regulations.

2. DEVELOPMENT CRITERIA:

- a. Bulk Requirements: The pharmacy building and all other permitted and accessory uses shall be authorized subject to the provisions of Section 400.130 Arterial Commercial District Regulations with the following exception; the front yard setback shall be as shown on the attached Final Development Plan.
- b. Ingress & Parking: Ingress, parking and interior vehicular circulation shall be provided as shown on the attached Final Development Plan.
- c. Shared Access: Access to Lamar Parkway shall be permitted via a shared access easement established in conjunction with the approval and recording of the Boundary Adjustment Plat submitted with the rezoning request.
- d. Signage: Signage shall be permitted pursuant to the sign package as submitted and dated 12/9/2014.
- e. Litter and Nuisances: The proposed use shall abide by Chapter 225 at all times.
- f. Hours of Operation: The use may operate seven (7) days a week (24) hours a day.
- g. Exterior improvements: Additional site improvements shall be required as shown on the attached Final Development Plan.

**Section Four.** The approval of the Planned District-Commercial rezoning shall be effective, from and after its date of passage and approval, provided, all required fees are paid to the City, subject to compliance with all applicable provisions of the Subdivision and Zoning Regulations.

**Section Three:** The approval of the Planned Unit Development shall be effective, from and after its date of passage and approval subject to compliance with this ordinance and all applicable provisions of the City's Zoning Regulations.

**Section Four:** This Ordinance shall be in full force and effect on and after its passage and approval.

This Bill was passed and approved this 16<sup>th</sup> day of December, 2014, by the Board of Aldermen of the City of Pacific, Missouri after having been read by title or in full two times prior to passage.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Jeffrey M. Palmore, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

**Exhibit 1**

**Final Development Plan**

*Including Architectural Elevations, Landscape Plan & Sign Package*

December 11, 2014

Mayor and Members of the Board of Aldermen  
City of Pacific, Missouri  
300 Hoven Street  
Pacific, MO 63068

**Re:** A request to change the zoning of adjusted lot 1 of East Side Country Club Center to the City's PUD District with "C-2" Arterial Commercial as the underlying district and approve the proposed final site development plan, architectural elevations, landscape plan and signage package. (P.Z. 2014.010 CVS)

Dear Mayor and Members of the Board;

The Planning and Zoning Commission held a public hearing on December 9, 2014 to consider the rezoning for the property mentioned above to allow the construction of a 6,000 square foot CVS Pharmacy with a drive thru. The Commission, by a vote of 8-0, passed a motion to recommend approval of the proposed rezoning and final site development plan, architectural elevations, landscape plan, signage package with the following condition:

1. Waive the front setback requirement of the underlying "C-2" Arterial Commercial District.

This matter is now forwarded to the Board of Aldermen for review and consideration. The Staff Report presented to the Planning and Zoning Commission at their December 9, 2014 meeting and the proposed ordinance authorizing the rezoning are attached.

## Staff Report (CVS)

**ON AN APPLICATION TO:** Adjust the boundaries of lots 1 and 2 of East Side Country Club Center by moving the shared boundary line 70' to the north. The proposed boundary adjustment would make the area of Lot 1 1.42 acres and the area of Lot 2 1.62 acres. The adjusted lots are located in the City's "C-2" Arterial Commercial District. No new lot will be created. The petitioner is also requesting "Lot 1" be re-zoned to the City's PUD District with "C-2" Arterial Commercial as the underlying district. According to the City's zoning and subdivision requirements and procedures, rezoning requires a public hearing before the Planning & Zoning Commission and approval by the Board of Aldermen.

**APPLICANT:** Steve Marion  
Premier Civil Engineers  
308 TCW Court  
Lake Saint Louis, MO 63367

**PROPERTY OWNER:** Missouri CVS Pharmacy  
1165 North Clark Street Suite 305  
Chicago, IL 60610

**LOCATION:** SWC of West Osage Street and Lamar Parkway

**PRESENT ZONING CLASSIFICATION:** "C2" Arterial Commercial.

**PROPOSED ZONING CLASSIFICATION:** PUD with "C2" Underlying (Lot 1 only)

**PURPOSE:** To consider a boundary adjustment of Lots 1 & 2 of East Side Country Club Center and rezoning Lot 1 (1.42 acres) to the City Planned Commercial Development District (PD-C). The proposed lot sizes are well over the 22,000 SF minimum lot size requirement of the "C2" Zoning District. Approval of this rezoning and minor boundary adjustment plat will allow the owner to record the plat with the Franklin County Recorder of Deeds and construct one (1), 6,000 SF Pharmacy on Lot 1. The approval of the boundary adjustment and rezoning of Lot 1 will require the following waiver;

1. The proposed building on Lot 1 does not meet the "C2" front setback requirement, which states; *"building facades shall be placed a minimum of 15 feet and a maximum of 50 feet from the public right of way line"*. The proposed building is located 82.17 feet from the public right of way line. The maximum setback pursuant to Section 400.130 is 50'.

Staff recommends the Planning Commission pass a motion to approve, approve with conditions or deny the Boundary Adjustment Plat and a separate motion to approve, approve with conditions or deny the PD-C rezoning, site development plan, landscape plan, architectural elevations and waiver request for the proposed CVS.